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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,854	04/14/2004	Paul Tashjian	PTJ-101US	5501
23122	7590	08/15/2006	EXAMINER	
RATNERPRESTIA			CHAMBERS, TROY	
P O BOX 980			ART UNIT	PAPER NUMBER
VALLEY FORGE, PA 19482-0980			3641	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant(s)	Applicant(s)	
	10/823,854	TASHJIAN, PAUL	
	Examiner	Art Unit	
	Troy Chambers	3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 6-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. The Examiner acknowledges the applicant withdrawal of claims 7 and 8.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Lack of antecedent basis for “at-rest diameter dimension” and “outer diameter dimension”.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3, 5, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 1 recites an “at-rest *diameter* dimension” and an “outer *diameter* dimension”. Neither the original specification nor drawings provide for such limitations. Applicant description of the front recess are as follows:

Art Unit: 3641

[0026] The relationship between the receiver's front recess and the barrel or barrel extension (the later of which is shown in FIG. 1), can take a number of forms. The receiver's front recess can: (1) be in a slip-fit relationship with the barrel or barrel extension in which case it can be compressed by means of compression means (discussed in more detail below) after the barrel or barrel extension is inserted; (2) be larger than the outside dimension of the barrel or barrel extension (even more so than the case in (1), above), in which case it is also compressed by means of compression means (discussed in more detail below) after the barrel or barrel extension is inserted; or (3) be smaller than the outer dimension of the barrel or barrel extension, in which case it can be mechanically (or otherwise, such as thermally) expanded to allow the insertion of a barrel or barrel extension into the front recess and allowed to return to its at-rest position and thereby anchor the barrel or barrel extension in place with respect to the receiver.

[0028] As in the embodiments shown in FIGS. 1-5, there can be clamping holes formed in receiver 120, which are

....

front recess 122. As noted above, although adequate compressive force against the barrel or barrel extension may be achieved by manufacturing a radially inward bias in the receiver so that the at-rest position of front recess 122 is smaller than the barrel or barrel extension radius, the use of appropriate fasteners as described above can aide in this compressive and clamping force. Alternatively, the at-rest

There is no mention of an "at-rest diameter dimension" or "outer diameter dimension". With respect to the preferred embodiment, the specification merely discloses that an "at-rest position" of the front recess is "smaller than the barrel or barrel extension radius. The claims must disclose the dimensions within these boundaries.

6. Claims 1-3, 5, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not known what is meant or

encompassed by the phrases "at-rest diameter dimension" or "outer diameter dimension".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 3711980 issued to Palama. Palama discloses a receiver for a firearm as shown below.

[illegible]

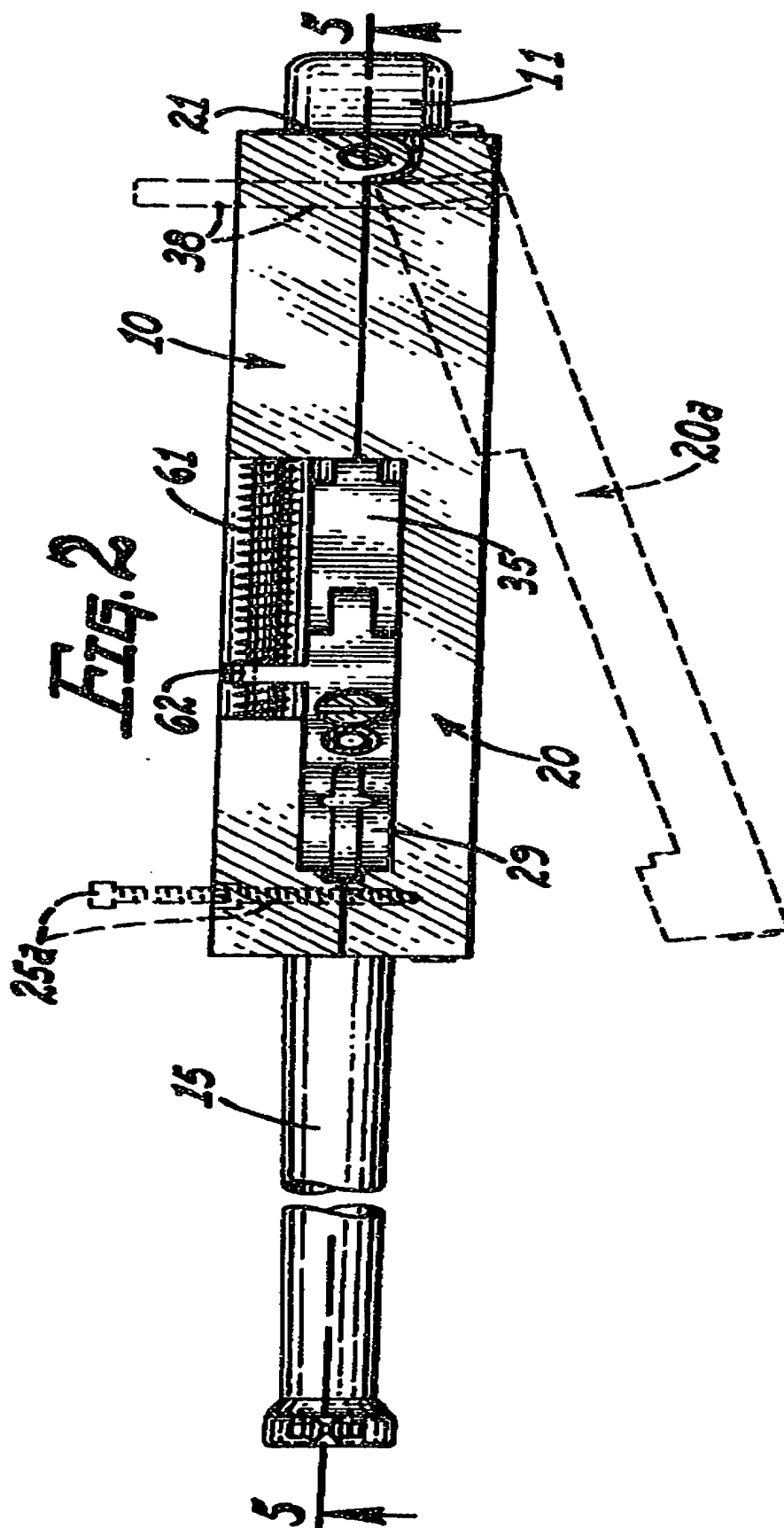
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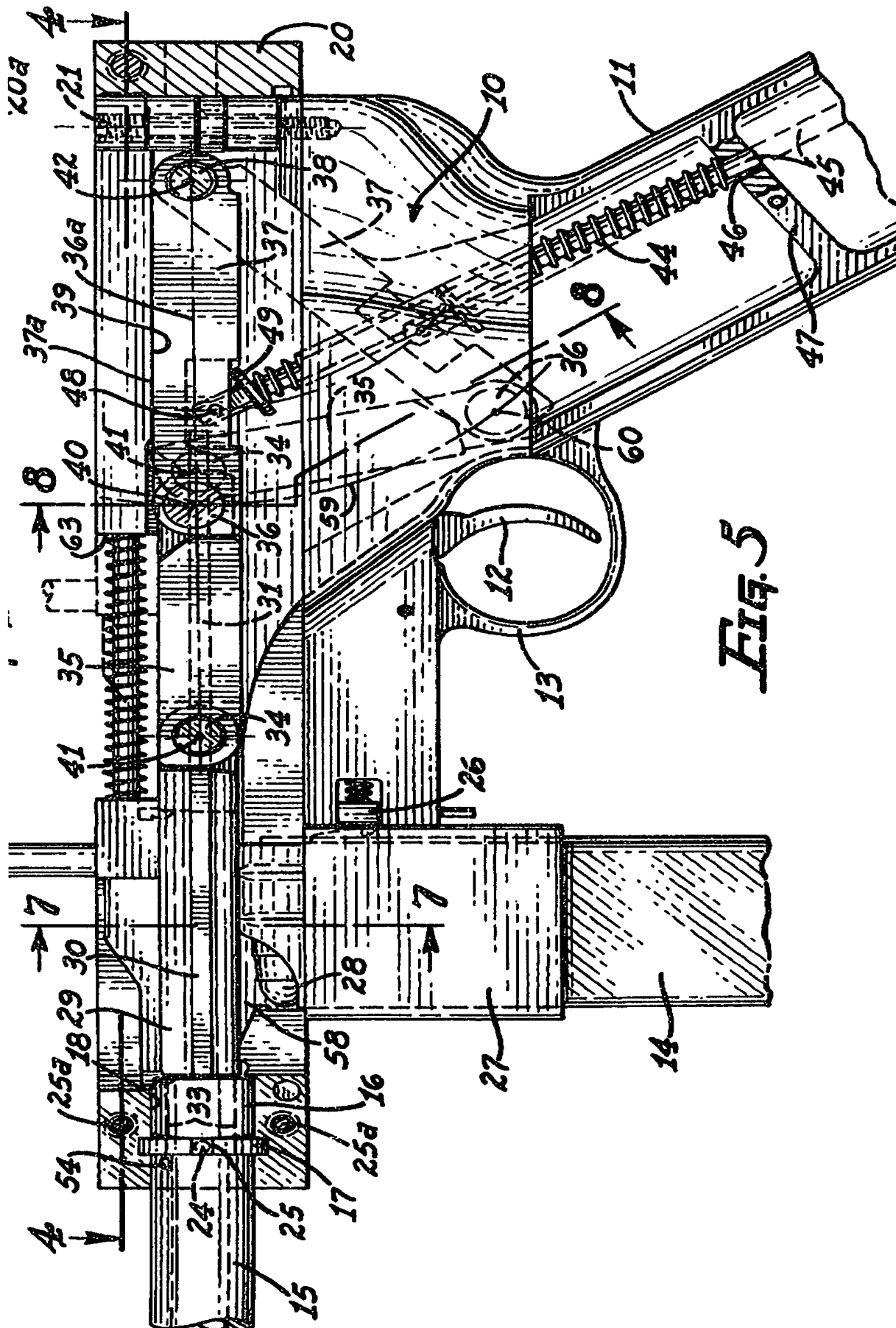


Fig. 6

12

9. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Canadian Patent 925334 issued to Perrine. Perrine discloses a firearm as shown below.





Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Palama or Perrine in view of US 20050262752 issued to Robinson. Palama and Perrine discloses a firearm receiver as discussed above but do not readily disclose one made of aluminum or polymeric material. Robinson discloses such a receiver at [0061]. At the time of the invention, one having ordinary skill in the art would have found it obvious to provide the receiver of either Palama or Perrine with the aluminum or polymeric material of Robinson. The suggestion/motivation for doing so would have been to decrease the overall weight of the firearm.

Response to Arguments

12. Applicant's arguments filed 08/04/06 have been fully considered but they are not persuasive. Despite applicant's arguments to the contrary, Palama continues to anticipate at least claim 1.

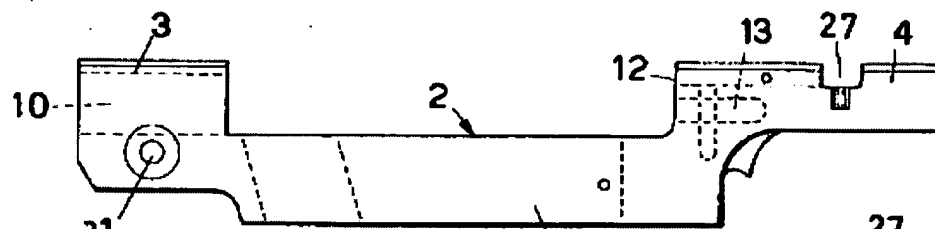


Fig. 5

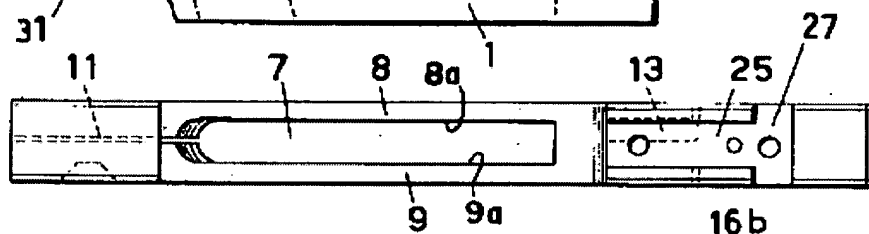


Fig. 6

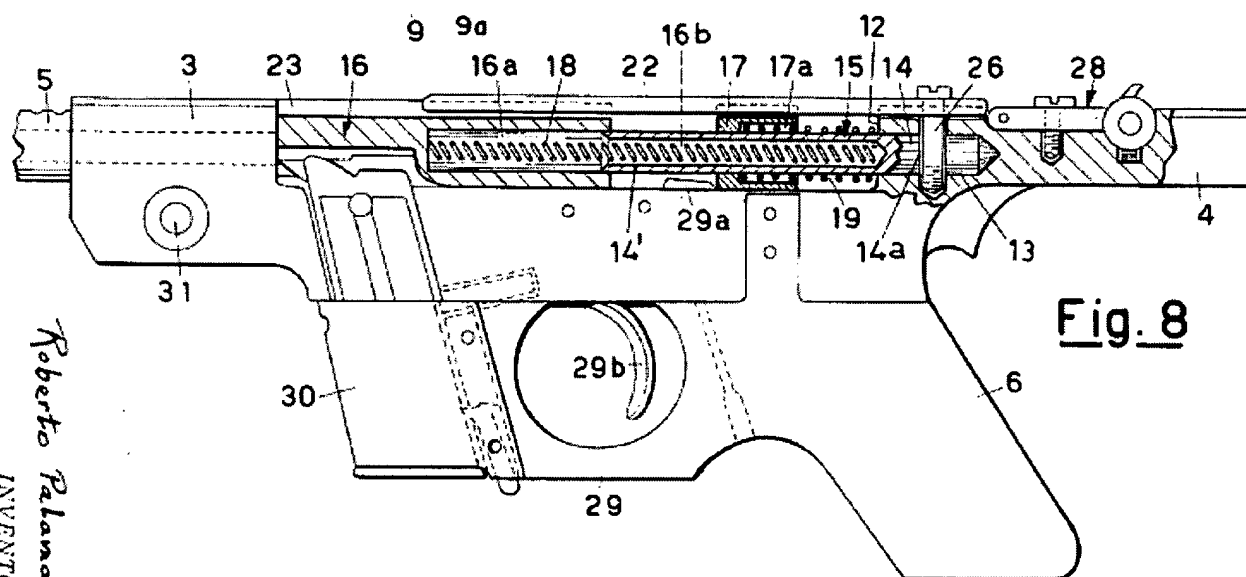


Fig. 8

Roberto Palana
INVENTOR

As shown in Figs. 5 and 8 of Palama, the greatest outer diameter of the barrel 5 is larger than the opening at 10.

13. Perrine continues to anticipate as well. Perrine discloses a barrel 15 having a flange 17 (larger diameter) received within a bore 18 (Perrine, pg. 4, line 29 to pg. 5, line 3; and, Fig. 5).

Conclusion

14. This is a continuation of examination of applicant's earlier Application of the same number. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

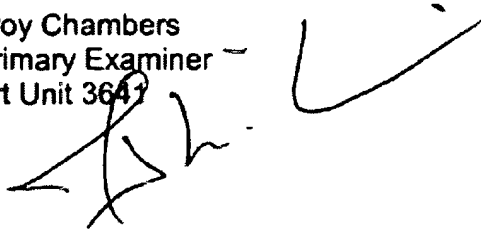
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6873.

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Troy Chambers
Primary Examiner
Art Unit 3641

A handwritten signature in black ink, appearing to read 'Troy Chambers', is written over the printed name and title. To the right of the signature is a large, stylized checkmark or 'L' shape.

TC
10 August 2006